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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,807	06/25/2006	Ting-Mao Chang		1722

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EXAMINER	
ADDY, THJUAN KNOWLIN	
ART UNIT	**PAPER NUMBER**
2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,807	CHANG, TING-MAO	
	Examiner	Art Unit	
	THJUAN K. ADDY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

3. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

4. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,233,792 in view of

Hengeveld (US 6,330,447). Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of US Patent No. 7,233,792 recites "**A method for scheduling a proximity triggered job with a** mobile **computing device**, the method comprising: **coupling said job with at least one trigger condition that is at least determined by a relation between the presences** of multiple pre-selected peer wireless communication nodes or access points; **receiving multiple frames** or packets **by a wireless communication interface from wireless media**, **wherein said multiple frames** or packets **complying with a** wireless **communication protocol**; **determining the individual presences** of said multiple pre-selected peer wireless communication nodes or access points **by detecting their identifiers in said multiple frames** or packets individually, **wherein said identifiers pertain to said** wireless **communication protocol**; **evaluating said trigger condition** according to said individual presences; **and executing said job in responsive to the determination of said evaluation of said trigger condition**", and claim 1 of the present application recites "**A method for scheduling a proximity triggered job in a computing device**, the method comprising: **coupling said job with at least one trigger condition that is at least determined by a rule of presence** condition of one or more trigger identifiers; **receiving frames repeatedly by one or more wireless communication interfaces of said computing device from wireless media, wherein each of said frames complies with a communication protocol**; **checking presence of said trigger identifiers in one or more fields of identifier** pertaining to Media Access Control

sublayer or data link layer of **complied communication protocol** in said frames, **evaluating said trigger condition**; and **executing said job in responsive to the determination of said evaluating said trigger condition**".

6. In regards to the "Media Access Control sublayer or data link layer" recited in claim 1 of the present application, the preceding limitation is known in the art of communications. Each functional layer is resident in both mobile and base station to perform functions appropriate for each device. Hengeveld teaches the wireless link between mobile and base station is implemented by respective physical layers and MAC layers in the mobile and base station (See col. 4-5 lines 63-13). Hengeveld further teaches that the MAC layers have provision for making roaming decision, which inherently includes detecting identifier (See col. 5 lines 23-51) and a data link peer to peer connection is created upon assignment by the system of a unique temporary equipment identifier (See col. 5-6 lines 35-67) value associated with the connection. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the teachings of MAC layer and data link layer taught by Hengeveld within the system, in order to maintain a more constant communication link between any one mobile and base over time and geographic position of the mobile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao et al. (US Patent Application, Pub. No.: US 2005/0288046 A1), in view of Hengeveld (US 6,330,447).

8. In regards to claims 1 and 10, Zhao discloses a method for scheduling a proximity triggered job in a computing device (e.g., wireless device/terminal) (See Abstract) and a method for a mobile computing system to interact with a user (e.g., subscriber) to record information, and automatically playback (via a notification message and/or display) when encounter selected trigger condition (See pg. 2, paragraph [0014]), the method comprising: coupling said job with at least one trigger condition that is at least determined by a rule of presence condition of one or more trigger identifiers; receiving frames repeatedly by one or more wireless communication interfaces of said computing device from wireless media, wherein each of said frames complies with a communication protocol; checking presence of said trigger identifiers in one or more fields of identifier … of complied communication protocol in said frames, evaluating said trigger condition; and executing said job in responsive to the determination of said evaluating said trigger condition (See pg. 1, paragraph [0008]; pg. 2, paragraph [0014]; pg. 5, paragraph [0056] – [0057]; and pg. 5, paragraph [0059]). In

regards to the “Media Access Control sublayer or data link layer" recited in claim 1, the limitation is known in the art of communications. Each functional layer is resident in both mobile and base station to perform functions appropriate for each device. Hengeveld teaches the wireless link between mobile and base station is implemented by respective physical layers and MAC layers in the mobile and base station (See col. 4-5 lines 63-13). Hengeveld further teaches that the MAC layers have provision for making roaming decision, which inherently includes detecting identifier (See col. 5 lines 23-51) and a data link peer to peer connection is created upon assignment by the system of a unique temporary equipment identifier (See col. 5-6 lines 35-67) value associated with the connection. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the teachings of MAC layer and data link layer taught by Hengeveld within the system, in order to maintain a more constant communication link between any one mobile and base over time and geographic position of the mobile.

9. In regards to claim 2, Zhao discloses the method, further comprise storing said job in a database (e.g., subscriber database 15) and retrieving said job from said database by giving a key that is related to said trigger condition or one of said trigger identifier (See pg. 4-5, paragraph [0053]).

10. In regards to claim 3, Zhao discloses the method, further comprise storing said trigger condition in a database and retrieving said trigger condition from said database by giving a key that is related to one of said trigger identifier that detected in said frames (See pg. 1-2, paragraph [0011] and pg. 4-5, paragraph [0053]).

11. In regards to claim 4, Zhao discloses the method, wherein said rule is a transition sequence of presence condition that is related to one or more said trigger identifiers (See pg. 1-2, paragraph [0011] and pg. 8, paragraph [0087]).

12. In regards to claim 5, Zhao discloses the method, further comprise recording the transition sequence of presence condition of said trigger identifier (See pg. 1-2, paragraph [0011] and pg. 8, paragraph [0087]).

13. In regards to claim 6, Zhao discloses the method, wherein said job changes the frame receiving frequency for detecting said trigger identifiers (See pg. 2, paragraph [0017]).

14. In regards to claim 7, Zhao discloses the method, wherein said job changes security of a file or directory (See pg. 2, paragraph [0017] – [0018]).

15. In regards to claim 8, Zhao discloses the method, wherein said changing security level might include changing access permission or changing visibility to a file or directory (See pg. 2, paragraph [0017] – [0018]).

16. In regards to claim 9, Zhao discloses the method, wherein said job changes the speaker volume (See pg. 6, paragraph [0068]).

17. In regards to claim 11, Zhao discloses the method, further comprise: disabling the first event; scheduling second event, wherein said second event will be triggered by second presence condition that related to one or more identifiers that are not related to the first event, and enabling the first event by said second event when said second event is triggered (See pg. 5, paragraph [0056] – [0057] and pg. 5, paragraph [0059]).

18. In regards to claim 12, Zhao discloses the method, wherein said information is

selected from of one or more of the following: voice, picture, and video (See pg. 2-3, paragraph [0019]).

19. In regards to claims 13 and 16, Zhao discloses a method for a mobile computing system to interact with a user to compose proximity sensitive map and a proximity sensitive map, the method comprising: displaying a map on displayer of said system, receiving coordinates of pointing device of said system on said displayer, and storing said map and said association in storage of said system (See pg. 8, paragraph [0089] – [0090]). In regards to the "Media Access Control sublayer or data link layer" recited in claim 1, the limitation is known in the art of communications. Each functional layer is resident in both mobile and base station to perform functions appropriate for each device. Hengeveld teaches the wireless link between mobile and base station is implemented by respective physical layers and MAC layers in the mobile and base station (See col. 4-5 lines 63-13). Hengeveld further teaches that the MAC layers have provision for making roaming decision, which inherently includes detecting identifier (See col. 5 lines 23-51) and a data link peer to peer connection is created upon assignment by the system of a unique temporary equipment identifier (See col. 5-6 lines 35-67) value associated with the connection.

20. In regards to claim 14, Zhao discloses the method, wherein said identifier is detected by a wireless communication interface of said system within a time window before or after receiving said coordinates (See pg. 8, paragraph [0089] – [0090]).

21. In regards to claim 15, Zhao discloses the method, further comprising: scheduling an event, wherein said event has a trigger condition that is related to said

one or more identifiers, and showing a mark on said map at the coordinates related to said one or more identifiers when said trigger condition is triggered (See pg. 8, paragraph [0089] – [0090]).

22. In regards to claim 17, Zhao discloses a traffic enforcement equipment database (e.g., traffic database), the database comprising: at least one identifier set, wherein the identifier set includes one or more identifiers of wireless communication interfaces; an information related to at least one traffic enforcement equipment where said wireless communication interfaces are nearby; and a linkage between said information and said identifier set (See pg. 4, paragraph [0050] – [0052]).

23. In regards to claim 18, Zhao discloses the database, wherein said information is one or more selected from the following group: a warning message, a template of a warning message, a time duration, a distance, and type of traffic enforcement equipment (See pg. 1, paragraph [0008]; pg. 2, paragraph [0014]; pg. 5, paragraph [0056] – [0057]; and pg. 5, paragraph [0059]).

24. In regards to claim 19, Zhao discloses a method for a mobile computing device to warning a user when approaches a traffic enforcement equipment (e.g., traffic light), the method comprising: providing a warning message; scheduling a job to generate said warning message; associating said job a trigger condition that is determined by the presence condition of one or more wireless communication interfaces in proximity to said traffic enforcement equipment; and executing said job when said trigger condition is evaluated to be satisfied (See pg. 1, paragraph [0008]; pg. 2, paragraph [0014]; pg. 5, paragraph [0056] – [0057]; and pg. 5, paragraph [0059]).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davidson et al. (US Patent Application, Pub. No.: US 2003/0005060) teach an information system. Adamczyk (US Patent Application, Pub. No.: 2004/0239531 A1) teach systems and methods for providing traffic alerts.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614